

Jesselyn Radack at FFF Conference 2008, 2 of 6

<https://www.youtube.com/watch?v=uhgZ4I369v4> (<https://www.youtube.com/watch?v=uhgZ4I369v4>)

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Jesselyn Radack on "Conscience Over Career: The Prosecution of the American Taliban" at the Future of Freedom Foundation's <http://fff.org> Restoring the Republic, 2008.

Jesselyn Radack is a former U.S. Department of Justice ethics adviser who came to prominence as a whistleblower after she objected to the government's treatment of John Walker Lindh (the "American Taliban" captured during the 2001 invasion of Afghanistan), having argued that, since a lawyer had been retained to represent him, he could not be interrogated without that lawyer present.

Playlist of Radack's lecture: http://www.youtube.com/view_play_list?p=8098DDCFDF68A64D

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u.s. soldiers threatened him with death blindfolded him duct taped him naked to a board scrawled expletives on him and posed with him for pictures before holding him in an unlit metal shipping container for two days yet curiously the OIG reports in its executive summary we found no instances in which an FBI agent participated in clear detainee abuse of the kind that some military interrogators used at Abu Ghraib prison unbeknownst to me until a few weeks ago the White House had decided not to turn over any documents to wins defense counsel the Defense Department Department apoplectic that its new policy and the torture of captives and the war on terrorism was going to be exposed leans on the Justice Department who offer land a deal on the eve of the suppression hearing that was going through exposes amiss treatment Lin pleaded guilty to two relatively minor charges that landed him in jail for 20 years as part of the plea bargain he had to sign a statement swearing that he had not been intentionally mistreated by his us captors and waiving any future claim of torture in 2002 my lawyer made it abundantly clear to the office of inspector general that I took several steps to thwart efforts to conceal material regarding Lin's interrogation from the court in January 2003 Inspector

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from the court in January 2003 Inspector General Glenn fine who will be testifying about this very issue before the Senate Judiciary Committee on Wednesday if any of you want to see something he basically told he told my lawyer he looked into my whistleblower allegations and was not going to pursue them my reaction is the inspector general didn't look too deeply because he didn't even bother to talk to me the complainant to add insult to injury OIG turned my case over for criminal prosecution which eventually closed without charges ever being brought I don't know what they would have charged me with stealing paperclips from the government leaking is not a crime and they can't hide behind the attorney-client privilege to commit illegal acts but the Justice Department was not through there's been a long litany seven years worth of retaliation including little things like the government assisting my private law firm in contesting my award of unemployment compensation benefits your government at work needless to say the current o IG report does not mention that FBI agent Christopher Ryman who admits that when informing Lind of his right to counsel add whipped of course there are no lawyers here in Afghanistan when Oh IG catalogs a gruesome list of techniques used on detainees in Afghanistan including abuse of handling harsh restraints deprivation of clothing blindfolding humiliation and isolation it does not reference Lind in fact the report makes no mention of John Walker Lindh whatsoever while I applaud the

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Lindh whatsoever while I applaud the handful of people identified in the report who repeatedly challenged tarsan harsh interrogation techniques I crushed in the motive of the OIG report and propping them up as revisionist evidence that Justice Department's and FBI's role in torture was somehow not so bad it must be remembered that the same Justice Department's Office of Legal Counsel which rights legal opinions considered binding on federal agencies and departments authored the infamous torture memo they cave justices and promoter to such conduct in the first place no Office of Inspector General report has been issued on that my story is a microcosm of what happens when you trade freedom for fear when you confuse dissent with disloyalty and replace democracy with despotism John Walker Lindh started out as a traitor in kearny treasonous the worst of the bad but he turned out to be a misguided kid from California I started out as an ethics advisor at the Department of Justice but was somehow transmogrified into a traitor a turncoat a terrorist sympathizer according to unnamed officials quoted in the New York Times this reversal is emblematic of how far the war on terrorism has inverted the constitutional structure in which our inner lives are private and the work of the government is public instead it has created a country in which our personal lives are transparent and the workings of the government or secret

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this obsessive secrecy hinders security our best protection against terrorism is an informed public and the safety valve of free expression but we have done everything to prevent that the erosion of civil rights and liberties is a toxic trend and I hope my story will help to private of oxygen in responding to terrorism we must not trample on the very freedoms for which we are fighting and public servants should not have to choose between their conscience and their career thank I'd be glad to take questions because I know the story has many different tentacles and can go many different ways and different audiences want to hear different aspects so line them up don't worry it's uh it's friendly fire they're not critical questions I'm just curious about two legal things and first of all thank you for what you've done that's wonderful very well the first one up when they made him sign that statement and they know it's false isn't that suborning perjury I think yes I think it is I think his attorneys who have petition for commutation of a sentence or considering that and considering a lot of introducing new evidence which has come out only in the last couple

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has come out only in the last couple weeks the nature of information that has come out as but very drip drip drip every couple months we learn something new about what happened and for the reporters who I'm grateful to Jane Mayer and Eric lish blau a number of the bloggers right and left who've been covering this case I think definitely this is new information and I think the plea bargain itself was problematic in many ways heavy-handed thank you thank you another quick follow-up leaking by a government official is not illegal for sure yes for sure you're authorized to leak under The Whistleblower Protection Act of nineteen eighty nine you cannot be retaliated against for giving information that evidences fraud waste and abuse part of the problem however with the whistleblower protection act is that it has no teeth so when they were tallied against you in spades it doesn't create a private cause of action for you to go and sue the government so it sounds really good on paper but it's kind of a paper tiger and in terms of actually protecting people we're trying to strengthen it right now their proposed puzzles on both sides of the aisle and Congress to try to strengthen with similar protections because we need them more than ever right now

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